

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING DIVISION**

DATE: July 12, 2018 **FILE:** 18-T-30

TO: Planning and Development Board/Local Planning Agency

VIA: Leslie A. Del Monte, Planning Manager

FROM: Deandrea Moise, Planning Administrator

SUBJECT: The City of Hollywood requests a Text Amendment amending Article 2 of the Zoning and Land Development Regulations entitled "Definitions" by amending Section 2.2 "Terms Defined" by revising the definition of Pharmacy to include a Medical Marijuana Treatment Center Dispensing Facility; defining a Medical Marijuana Treatment Center Dispensing Facility; amending Article 3 Section 3.23 "Distance Separation Requirements" to provide for the separation of treatment center dispensing facilities from schools.

REQUEST:

Text Amendment amending Article 2 of the Zoning and Land Development Regulations entitled "Definitions" by amending Section 2.2 "Terms Defined" by revising the definition of Pharmacy to include a Medical Marijuana Treatment Center Dispensing Facility; defining a Medical Marijuana Treatment Center Dispensing Facility; amending Article 3 Section 3.23 "Distance Separation Requirements" to provide for the separation of treatment center dispensing facilities from schools.

RECOMMENDATION:

The Planning and Development Board, acting as the Local Planning Agency forward a ***recommendation of Approval*** to the City Commission.

BACKGROUND

At the February 1, 2017, City Commission meeting, the City Commission passed and adopted Chapter 109a of the City of Hollywood Code of Ordinances titled "Medical Marijuana Businesses" establishing regulations and guidelines for such use. As this was an amendment to the Code of Ordinances, it did not require a recommendation by the Planning and Development Board. Following the adoption of this chapter, the State adopted legislature stating that cities are not permitted to establish supplementary regulations as it relates to Medical Marijuana Treatment Center Dispensing Facilities; and shall treat such uses in the same manner in which pharmacies are treated.

REQUEST

In effort to comply with State requirements, the text amendment proposes to amend Article 2 and Article 3 of the Zoning and Land Development Regulations, to include Medical Marijuana Treatment

Center Dispensing Facility in the definition of Pharmacy, as well as define Medical Marijuana Treatment Center Dispensing Facility and provide required distance separation requirements from schools. At the Commission, this item will be considered concurrently with the repeal of the previously mentioned Chapter 109a of the Code of Ordinances (18-T-29). This would eliminate conflict and ensure compliance with the State.

The request proposes to amend Article 2 and 3 in the following manner:

PHARMACY. A retail establishment primarily offering goods for retail sale and on-site dispensing of prescription drugs, nonprescription drugs or both. A pharmacy may also offer accessory services such a photo processing, eyeglass care etc. For purposes of this definition a Medical Marijuana Treatment Center Dispensing Facility shall be treated as a Pharmacy.

MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY. Any facility where medical marijuana or any product derived therefrom is dispensed at retail.

A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the city approves the location through a formal proceeding open to the public at which the city determines that the location promotes the public health, safety, and general welfare of the community, as provided for in Florida Statute 381.986.

SITE INFORMATION

Owner/Applicant: City of Hollywood
Address/Location: City-wide

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendment are consistent with the Comprehensive Plan, based upon the following:

Goal: *Promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property.*

Objective 5: *Encourage appropriate infill redevelopment in blighted areas throughout the City and economic development in blighted business and tourist areas by promoting improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination.*

The proposed text amendment is consistent with the City's Comprehensive Plan goal to encourage positive economic development by providing consistency with the State legislature and further defining the use to eliminate conflict.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future

direction and vision for the City. The proposed text amendment is consistent with the City-Wide Master Plan based upon the following Guiding Principle:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERIA 1: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed amendment is consistent with policies of the City's Comprehensive Plan, however the proposed text amendment is to comply with State regulations as it relates to the use of Medical Marijuana Treatment Center Dispensing Facility.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: As uses and State regulations begin to evolve, the City must amend the regulations from time to time to be consistent with the State requirements. As stated previously in effort to comply with State law, the City must treat Medical Marijuana Treatment Center Dispensing Facilities in the same manner in which pharmacies are treated. As such the proposed text amendment is required to define Medical Marijuana Treatment Center Dispensing Facility and include it in the definition of Pharmacy.

FINDING: Consistent

ATTACHMENTS

ATTACHMENT A: Preemption Language

ATTACHMENT B: Existing Pharmacy Regulations: Article 3.23 of the Zoning and Land Development regulations.

ATTACHMENT C: Existing Regulations: Chapter 109a of the Code of Ordinances